

**REMARKS**

Upon entry of the Amendment, which is respectfully requested, claims 23 and 25-28 will be pending in the application. Claims 13-22 and 24 are canceled without prejudice or disclaimer.

Claim 23 is amended to use “consists of” transitional language and recite SEQ ID NO.:2 as the *Mycobacterium* promoter. Claims 25 and 26 are amended to recite that the promoter of claim 23 is linked to the claimed reporter genes. Claims 27 and 28 are amended to correct antecedence from claim 23.

No new matter is added, and the amendments are in accordance with the proposed amendments discussed with Examiner Hibbert and Examiner Vogel on June 9, 2009. Therefore, Applicants respectfully request entry of the Amendment. Moreover, claims amendments submitted herewith are in accordance with Examiner’s suggested amendments as discussed on June 9, 2009. Therefore, Applicants respectfully request favorable consideration of the claim amendments.

Arguments submitted in the Amendment under 37 C.F.R. § 1.116 filed March 10, 2009 are incorporated herein as necessary and appropriate.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Application .: 10/764,553

Attorney Docket No.: Q74006

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Chidambaram.S.Iyer/

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

---

Chid S. Iyer  
Registration No. 43,355

Date: August 13, 2009